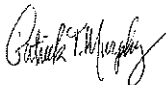


DISTRICT COURT, BROOMFIELD COUNTY, COLORADO		DATE FILED: September 10, 2013 11:10 AM
Court Address: 17 Descombes Dr., Broomfield, CO, 80020		
Plaintiff(s) OUR BROOMFIELD		<p style="text-align: center;">⚠ COURT USE ONLY ⚠</p>
v.		
Defendant(s) CITY AND COUNTY OF BROOMFIELD COLORADO		Case Number: 2013CV30221 Division: A Courtroom:
Order: Stipulated Submittal of Proposed Order		

The motion/proposed order attached hereto: APPROVED.

Issue Date: 9/10/2013



PATRICK THOMAS MURPHY
District Court Judge

<p>DISTRICT COURT, BROOMFIELD COUNTY, STATE OF COLORADO Broomfield County Combined Courts 17 DesCombes Dr. Broomfield, CO 80020</p>	
<p>Plaintiff and Contester: OUR BROOMFIELD</p> <p>v.</p> <p>Defendant and Contestee: CITY AND COUNTY OF BROOMFIELD, COLORADO</p>	<p>▲ COURT USE ONLY ▲</p>
<p><i>Attorneys for Defendant and Contestee:</i></p> <p>Dean C. Heizer, No. 20679 Martha M. Tierney, No. 27521 Heizer Paul Grueskin LLP 2401 15th Street, Suite 300 Denver, Colorado 80202 Phone Number: (303) 595-4747 FAX Number: (303) 595-4750 E-mail: dheizer@hpgfirm.com E-mail: mtierney@hpgfirm.com</p> <p>Michael Ray Harris, Esq. Environmental Law Clinic University of Denver Sturm College of Law 2255 E. Evans Avenue Denver, CO 80208 Email: elc@law.du.edu</p> <p><i>Attorneys for Plaintiff and Contester</i></p> <p>James Daniel Leftwich, Esq. MindDrive Legal Services, LLC 4730 Walnut Street Suite 110 (Office 2) Boulder, CO 80301 Email: dan@minddrivelegal.com</p> <p><i>Attorneys for Plaintiff and Contester</i></p>	<p>Case Number: 2013CV030221</p> <p>Division/Courtroom: A</p>

STIPULATED SUBMITTAL OF PROPOSED ORDER

The Parties, through their undersigned counsel, submit the following Order Setting Ballot Title pursuant to the discussions with and directions received from the Court at the hearing held on September 4, 2013 at 9:00 a.m., and request that the Court enter the same without substantive modification.

Respectfully submitted this 4th day of September, 2013.

By: s/Michael Ray Harris
Michael Ray Harris, Esq.
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University of Denver Sturm College of Law
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Denver, CO 80208
Email: elc@law.du.edu

ATTORNEYS FOR PLAINTIFF AND CONTESTOR

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ATTORNEYS FOR DEFENDANT AND
CONTESTEE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 4th day of September 2013, a true and correct copy of the **STIPULATED SUBMITTAL OF PROPOSED ORDER** was filed and served via the Integrated Colorado Courts E-Filing System to the following:

Christopher R. Stork
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Attorneys for Plaintiff and Contestor

s/ Cynthia Coleman
Cynthia Coleman

In accordance with C.R.C.P. 121 § 1-26(7), a printed copy of this document with original signatures is being maintained by the filing party and will be made available for inspection by other parties or the Court upon request.

RESOLUTION NO. 2013-138

A RESOLUTION SETTING A REVISED BALLOT TITLE FOR A PROPOSED CHARTER AMENDMENT RELATING TO OIL AND GAS EXTRACTION

WHEREAS, a sufficient number of registered Broomfield voters have petitioned to place a proposed charter amendment on the ballot for the November 2013 general election; and

WHEREAS, state law requires the City Council to set the ballot title for such a charter amendment, and

WHEREAS, City Council set the Ballot Title by Resolution No. 2013-129, dated August 13, 2013; and

WHEREAS, the Ballot Title was challenged pursuant to section 1-11-203.5 C.R.S. in District Court of the City and County of Broomfield, Colorado, in Case Number 2013CV030221; and

WHEREAS, the Plaintiff, Our Broomfield, and the Defendant, City and County of Broomfield, Colorado, have participated in a court ordered Alternative Dispute Resolution process and the parties have reached agreement on a revised ballot title; and

WHEREAS, City Council desires to instruct the City and County Attorney to stipulate to a revised ballot title, subject to the plaintiff's stipulation to the revised ballot title and the Court's approval of that stipulated ballot title.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY AND COUNTY OF BROOMFIELD, COLORADO:

Section 1. The City and County Attorney is hereby directed to agree to the following stipulated ballot title in case number 2013CV030221, subject to the plaintiff's stipulation to the revised ballot title and the court's approval of that stipulated ballot title, as follows:

Shall Broomfield's Home Rule Charter be amended for five years so as to prohibit the use of hydraulic fracturing to extract oil, gas, or other hydrocarbons within the City and County of Broomfield and to prohibit the disposal or open pit storage of solid or liquid wastes created in connection with the hydraulic fracturing process?

Section 2. This resolution is effective upon its approval by the City Council.

APPROVED on September 3, 2013.

THE CITY AND COUNTY OF BROOMFIELD,
COLORADO

Mayor



Lucia Kegemab
City & County Clerk, Deputy

APPROVED AS TO FORM:

[Signature]
Deputy City & County Attorney